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Draft Model Law on International Commercial Conciliation

Compilation of comments by Governments and international organizations

Addendum

Contents

	Page
Introduction	2
Compilation of comments	2
A. States	2
Morocco	2

* The date of submission of the document results from the dates at which comments were received by the Secretariat.

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Introduction

1. In preparation for the thirty-fifth session of the Commission, the text of the UNCITRAL draft model law on international commercial conciliation was circulated to all Governments and to interested international organizations for comment. The text of the draft model law was approved by UNCITRAL Working Group II (Arbitration and Conciliation) at its thirty-fifth session and annexed to the report of that session (A/CN.9/506). Additional comments received after the deadline of 15 March 2002 from one Government are reproduced below in the form in which they were communicated to the Secretariat.

Compilation of comments

A. States

Morocco

[Original: French]

1. The draft constitutes a legal platform for helping countries to introduce amendments as they adapt to current developments.

2. It should be noted in this regard that the provisions in the draft give States that wish to incorporate this law into their domestic law the possibility of adapting and amending it in accordance with their own particular situation.

3. The following questions arise in connection with specific points:

(a) In order to determine clearly the enforceability of conciliation proceedings, the question arises whether conciliation is mandatory or optional;

(b) May the internal justice system adopt documents, statements and reports submitted during conciliation proceedings?

4. The title of article 1 should be amended to read: "Definitions and scope of application".

5. The definitions of the three words "international", "commercial" and "conciliation" should be incorporated into article 1.

6. The issue of the enforceability of the agreement concluded between the parties during the conciliation proceedings raises the question of procedures for enforcement.

7. The competent Moroccan authorities consider the draft a useful contribution to efforts to establish an appropriate legislative framework for the settlement of commercial disputes, i.e. a framework able to accommodate simple, quick, extrajudicial proceedings which are better suited to the nature of such disputes.